



W A S H I N G T O N S T A T E
HUMAN RIGHTS COMMISSION

2000 - 2001

B I E N N I U M R E P O R T

MISSION STATEMENT

The mission of the Washington State Human Rights Commission (WSHRC) is to eliminate and prevent discrimination through the fair application of the law, the efficient use of resources, and the establishment of productive partnerships in the community.

WSHRC's focus is on the prompt, efficient, and neutral enforcement of the law. All staff share a commitment to these core principles:

- ▲ Fairness and Objectivity
- ▲ Responsiveness and Professionalism
- ▲ Respect for Diversity in Cultures, Values and Behavior
- ▲ Excellence and Innovation
- ▲ Service in the Public Interest

TABLE OF CONTENTS

Mission Statement	Inside Front Cover
Message from the Chair	1
Overview	2
Investigation Process	2
Complaint Resolution	3
Complaint Demographics	4
Community Outreach and Training	5
Case Examples	6
Major Partnerships	7
Leadership	8
Commission Meetings	Inside Back Cover

* Biennium 2000 - 2001 refers to:
FY 00 (7/1/99 - 6/30/00)
FY 01 (7/1/00 - 6/30/01)

We welcome the opportunity to present you with the Human Rights Commission biennial report for 2001. This report reflects the efforts put forth by many dedicated individuals in meeting the charge of the Washington State Human Rights Commission.

I have had the honor and privilege of working along side the most engaged Commissioners in this state: Commissioner Coker of Spokane, Commissioner Casson of Seattle, Commissioner Barnes of the Tri-cities, and, our most recent appointee, Commissioner Reiko Callner of Olympia. Each gives tirelessly of their time and energy, working within their communities and throughout the State to promote the mission of the Human Rights Commission.



Our dedicated staff, under the leadership of Executive Director Sue Jordan and the management team, continues to explore new methods of simplifying processes and identifying new cost saving measures. The agency staff continues to pursue the highest standards of quality and service for every individual, in spite of ever-increasing requests for information and assistance. The Human Rights Commission continues to reach out to communities by providing information regarding the laws against discrimination, at workshops and through participation in community events.

We are encouraged through our visits with community representatives from throughout the state by the increasing number of individuals and organizations actively engaged in innovative strategies to keep individuals informed of their rights. Communities and organizations continue to form partnerships and collaborate with one another in the promotion of understanding and the appreciation of differences. These local efforts aid greatly to raise the awareness of disparities existing in both education and health and the impact this is having on both their own communities and in our state.

Such spirit cannot be captured in a printed report and yet provides hope to these challenging times. We recognize that a more tolerant society can only be achieved through the collective efforts of such individuals, organizations and communities, and through the recognition of our connectedness to one another. The Human Rights Commission continues to encourage the development of such partnerships and will continue to participate in collaborative endeavors as a means to maximize our effectiveness in meeting our mission at a time of extremely limited resources.

It is through this collective effort that we will continue to move forward the dream and vision that our leaders set into motion with the creation of the Human Rights Commission, which the citizens of this state deserve.

A handwritten signature in blue ink that reads "Rudy Vasquez". The signature is stylized with a large, looped "V" and a trailing flourish.

Rudy Vasquez
Chair
December 2001

OVERVIEW

2000 - 2001 Washington State Human Rights Commission Biennium Report

The Commission has one basic function - to eliminate and prevent discrimination. The agency carries out its mission by:

- ▲ Conducting intake and investigation of discrimination complaints,
- ▲ Attempting early mediation and resolution,
- ▲ Ensuring compliance with the law, and
- ▲ Educating and training the community on the Law Against Discrimination.

The WSHRC is a neutral enforcement agency. Under Chapter 49.60 RCW, the Commission investigates individual complaints of discrimination in the following areas.

	Employment	Real Estate	Public Accommodation	Credit	Insurance
Race - Color	✓	✓	✓	✓	✓
Creed	✓	✓	✓	✓	✓
National Origin	✓	✓	✓	✓	✓
Disability	✓	✓	✓	✓	✓
Sex	✓	✓	✓	✓	✓
Marital Status	✓	✓		✓	✓
Age	✓				
Whistleblower Retaliation	✓				
Families with Children		✓			

INVESTIGATION PROCESS

WSHRC's highest priority is the prompt, efficient, and thorough investigation of individual discrimination complaints. When a complaint is filed the Commission acts as a neutral fact-finder. The Commission is not an advocate for either side. Our role under the law is to gather facts about the situation and then determine whether there is cause to believe that unlawful discrimination occurred.

The first step is for a person to contact WSHRC when they believe that they have been discriminated against. An Intake Officer conducts an initial interview, either by phone or in person. The Intake Officer explains the law and investigation process and works with the complainant to determine whether the Commission is authorized to investigate the complaint.

The intake process is crucial -- WSHRC typically receives over 1,300 inquiries per month resulting in 1,242 complaints filed in Fiscal Year 2000(FY00) and 1,224 in Fiscal Year 2001(FY01), over 500 more than the previous biennium.

If the complaint does not fall within agency's jurisdiction the complainant is referred to an appropriate federal or local agency. Once jurisdiction is established the Intake Officer asks for information to assess whether there is adequate reason to file a formal complaint. If there is, the Intake Officer drafts a formal affidavit. The Commission send a copy of the affidavit to the person(s) alleged to have committed the act of discrimination (Respondent) and asks for a written response to the charge. Once the response is received, a Commission Investigator will investigate the complaint by gathering evidence, interviewing witnesses and conducting site visits. The investigator determines whether or not the facts of the complaint support reasonable cause to believe discrimination occurred. Throughout the process Commission staff watch for opportunities to assist the parties to resolve their dispute, via mediation or negotiation of a mutually satisfactory settlement.

Complaints can reach several outcomes:

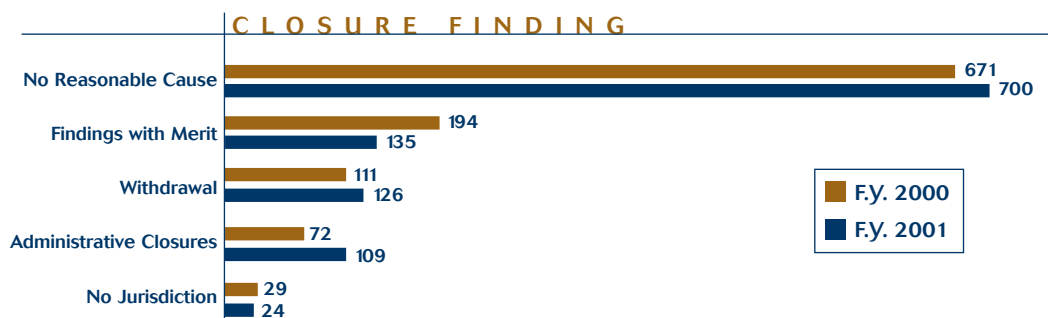
No Reasonable Cause: After a full investigation, it was determined that there was not enough evidence to support the charge of discrimination.

Merit Closures: Cases closed with a reasonable cause finding or by settlement. Reasonable Cause = after a full investigation there is reasonable cause to believe discrimination has occurred. Settlements = settlements can occur any time after a case is filed. Parties may reach agreement through mediation or negotiation. Both Complainant and Respondent must agree to the settlement. In addition, the WSHRC must be satisfied that the Complainant has received sufficient remedy for the alleged discrimination.

Withdrawal: The complainant, for whatever reasons, withdraws the complaint.

Administrative Closure: Cases closed for technical reasons other than withdrawal.

No Jurisdiction: The complaint did not fall within the criteria set out in RCW 49.60.



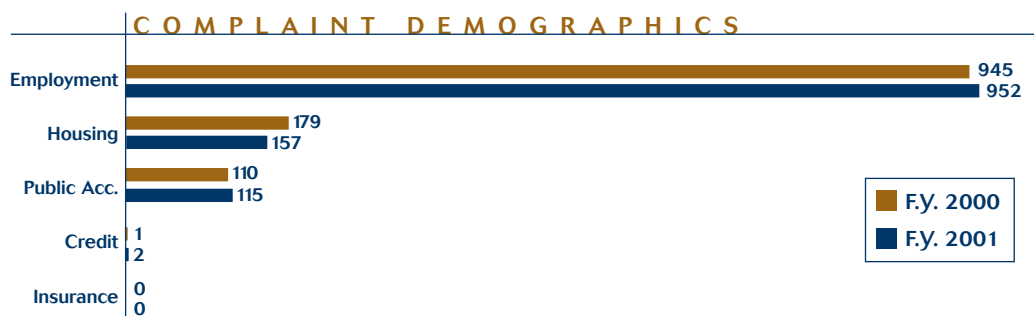
If the Commission finds "Reasonable Cause", WSHRC attempts to conciliate the matter. Staff prepares a formal settlement agreement that identifies steps necessary to eliminate and prevent the unfair practice(s). However, if conciliation is unsuccessful, WSHRC may turn the matter over to the Attorney General for litigation before an Administrative Law Judge.

COMPLAINT DEMOGRAPHICS

2000 - 2001 Washington State Human Rights Commission Biennium Report

During FY00, 1,242 complaints were filed with the Washington State Human Rights Commission, and in FY01 there were 1,224.

The majority of cases files at the commission in FY 2000 and FY 2001 alleged employment discrimination (76.5% and 77.7%), followed by housing (14.4% and 12.8%), and public accommodation (8.9% and 9.4%). There were three complaints filed on the basis of credit (1 in 99/00 and 2 in 00/01) and no complaints filed in regards to insurance transactions.



The most common protected class basis in all of the complaints filed was disability (34.4% and 37.5%), followed by race (30.6% and 27.6%), sex (29.4% and 25.8%), retaliation (21.6% and 18.1%), age (13.8% and 10.7%) and national origin (8.2% and 10.8%). Family status and religion accounted for much smaller numbers of complaints.

Please Note: Complaints can be filed on more than one basis of discrimination i.e. sex and race. As a result, the percentages do not add up to 100%.

Basis	2000		2001	
	No. Filed	Percentage	No. Filed	Percentage
Disability	426	34.4 %	460	37.5 %
Race	379	30.6 %	338	27.6 %
Sex	364	29.4 %	316	25.8 %
Retaliation	267	21.6 %	222	18.1 %
National Origin	102	8.2 %	132	10.8 %
Age	171	13.8 %	131	10.7 %
Familial Status	49	3.9 %	47	3.8 %
Creed	21	1.7 %	24	2.0 %

The break down in each of the three main areas is as follows:

The top three issues raised in employment complaints in FY00 were disability (26%), sex (22%), and race (17%). In FY01 they were disability (36%), sex (36%), and retaliation (24%). The top housing issues were race (25% and 44%), disability (25% and 35%) and family status (22% and 28%). In public accommodation the top issues were race (42% and 45%), and disability (39% and 43%).

A proactive education and training program is a powerful tool in eliminating and preventing discrimination. It is particularly important that businesses and property owners/managers clearly understand their rights and responsibilities under the law.

WSHRC provides targeted outreach to such areas as the Tri-Cities, Mount Vernon/Skagit County, and Vancouver/Clark County. In addition, Commission staff has worked with human rights groups in Kitsap, Lewis, Thurston, and Spokane counties, among others, in a coordinated effort to prevent and eliminate discrimination. Agency staff are regular presenters at training workshops and speaking engagements that provide information on agency procedures and each person's rights and responsibilities under the law.

The WSHRC has a core curriculum of four programs. The core programs can be modified to meet specific needs of organizations or communities. The Core Programs are:

Know Your Rights

Targeted at the general public, this is a basic overview of the Washington State Law Against Discrimination. The overview includes the time frame the administrative process is authorized to investigate, the areas the law covers (employment, housing, places of public accommodation, credit and insurance transactions), and identifies the protected classes and areas as well as criteria for filing a complaint. We explain who the Commission is, our neutrality, the investigative process we follow, the options allowed under the law for the person filing the complaint as well as the person/company against which the complaint is filed. Examples of complaints that have been filed and investigated and the results of the investigation are provided.

Basic Civil Rights for Employers

A basic overview of the Washington State Law Against Discrimination with emphasis on how the law applies to the employer. The overview includes the time frame the administrative process is authorized to investigate, the areas the law covers (employment, housing, places of public accommodation, credit and insurance transactions), and identifies the protected classes and areas the employer needs to be aware of. We explain who the Commission is, our neutrality, the investigative process we follow, the options allowed under the law for the person filing the complaint as well as the person/company against which the complaint is filed. Examples of complaints that have been filed and investigated and the results of the investigation are provided.

Basic Housing Law

A basic overview of the Washington State Law Against Discrimination with emphasis on provisions regarding real estate transactions, specifically the purchase/rental of housing for both tenant/purchaser and manager/landowner. The overview includes the time frame the administrative process is authorized to investigate, the areas the law covers (employment, housing, places of public accommodation, credit and insurance transactions), and identifies the protected classes and areas the housing provider needs to be aware of. We explain who the Commission is, our neutrality, the investigative process we follow, the options allowed under the law for the person filing the complaint as well as the person/company the complaint is filed against. Examples of complaints that have been filed investigated and the results of the investigation are provided.

Sexual Harassment Training

A basic overview of the Washington State Law Against Discrimination with emphasis on identifying and preventing behaviors that could be considered sexual harassment. The overview includes the time frame the administrative process is authorized to investigate, the areas the law covers (employment, housing, places of public accommodation, credit and insurance transactions), and identifies the protected classes. We explain who the Commission is, our neutrality, the investigative process we follow, the options allowed under the law. Further discussion is held regarding the types of behaviors that can be considered sexual harassment, the actions expected on the part of the person offended and the responsible party (employer, housing provider, manager). Examples of complaints that have been filed and investigated and the results of the investigation are provided.

The Commission investigates a wide variety of complaints ending with diverse resolution and settlement. The following cases provide a snapshot of the work of the organization and the services provided to both the complainant and respondent.

Case Example #1 – Race

An African American female filed a complaint with the Commission alleging that she was denied training, treated differently than her Caucasian co-workers, and harassed by her supervisor based on her race.

The Complainant was employed as a permanent, part-time office assistant, she alleged that her supervisor repeatedly denied her access to training that was offered to non-African American employees, called Caucasian employees with less seniority back to work before her, and told her that he had not been honest on her performance evaluations because she was a minority.

Respondent and Complainant agreed to participate in mediation to attempt an early resolution to the complaint. After two hours of mediation, the two parties and the Commission's investigator were able to resolve the complaint. Respondent agreed to transfer Complainant to a different supervisor and provide Complainant with training needed to be eligible for a higher paying position. Complainant received \$10,824 for emotional harm.

Case Example #2 – Disability

A Complainant filed a complaint alleging that she was denied reasonable accommodation for her disability by the manager of her apartment building and was subjected to harassment by other tenants.

The Complainant was sensitive to dust and mites and requested that the carpeting be removed from her unit. Respondent denied her request. In addition, Complainant was subjected to inappropriate comments from other tenants based on her disability. As a result, Complainant moved out of the building and filed a complaint with the Commission.

After a fact finding hearing, Complainant and Respondent agreed to mediate the case. Respondent agreed to provide the necessary modifications for the complainant, help offset the expense of moving back into the building, and excused the complainant from rent for two months. In addition, Respondent agreed to provide training on anti-discrimination laws for both the managers and tenants, affirmatively advertise to people with disabilities and post fair housing standards in their buildings.

Case Example #3 – Sex and Disability

A pregnant woman filed a complaint alleging discrimination in employment based on sex and disability.

Complainant presented her employer with documentation from her doctor restricting her work. Complainant applied for two different positions that met her needs for accommodation. Complaint was denied both positions. Complainant alleged that her employer failed to engage in an interactive dialogue regarding her disability and alternative work arrangements and placed a less qualified employee in one of the positions. As a result, Complainant took a position with fewer hours, resulting in lost benefits and pay.

Complainant, her employer and the Human Rights Commission were able to agree on a Pre-Finding Settlement. Complainant received \$4,000 in lost wages and benefits, and the employer agreed to training for management staff on the State Law Against Discrimination with an emphasis on preventing sex discrimination focusing on pregnancy.

The commission has ongoing partnerships with other civil rights agencies, particularly with regard to shared training opportunities. The Commission also meets regularly with representatives from many local human rights boards and task forces.

U.S. Equal Employment Opportunity Commission (EEOC) – The WSHRC continues its long-standing partnership with the EEOC. Under a work-sharing agreement, WSHRC investigates and receives reimbursement for employment discrimination complaints that would otherwise be filed with EEOC under federal law. EEOC cases represent over 70% of all cases filed with the WSHRC and fully 95% of employment complaints.

U.S. Department of Housing and Urban Development (HUD) – In 1996, the WSHRC successfully brought the state Law Against Discrimination into line with federal fair housing law, qualifying the agency for certification as “substantially equivalent.” This allows the agency to investigate and receive reimbursement from HUD on housing cases, much like as with the EEOC. HUD cases represent over 12% of all cases filed and 97% of housing complaints.

Equity in Education – The Washington State Board of Education, the WSHRC, and the Washington State Superintendent of Public Instruction have long recognized the increasing complexity of assuring equity and excellence in education to all students in our public schools. Four joint policy statements on equity in education have been issued since 1966.

A major focus of the WSHRC meetings for the biennium was to pursue the implementation of the joint policy on Equity in Education. At each of the physical meetings, local school districts, colleges, community colleges, etc. were invited to attend and give an update on the status of their pursuit of equity in education.

Coalition Against Bigotry and Bias (CABB) – Formed in 1994, CABB is a network of local and statewide organizations engaged in human and civil rights in Washington. The WSHRC facilitates four regional meetings per year. This partnership with stakeholders provides the Commission with critical input on service improvements as well as partnering opportunities to aid troubled communities.

The Human Rights Commission is composed of five members appointed by the Governor. The Commissioners provide policy direction for the agency, adopt agency regulations, and make the final determination on all complaints investigated by staff. The Commissioners meet monthly at locations around the state (8 per year) and via conference call (four per year).



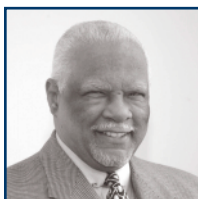
CHAIR – RUDY VASQUEZ OF TACOMA

Rudy Vasquez is the Director of Community Development for the Washington Association of Community & Migrant Health Centers. His work involves assisting communities in addressing the access needs of their uninsured or underserved populations in accessing health care. He is also a member of the Tacoma Chapter of the NAACP. His term expires June 2002.



COMMISSIONER – CHARLOTTE COKER OF SPOKANE

Charlotte Coker is a long-time activist in women's issues and both the state and national Democratic Party, and she has served as Parliamentarian to several organizations. Her term expires June 2003.



COMMISSIONER – ELLIS CASSON OF SEATTLE

The Reverend Ellis Casson has an extensive record of civil rights activism in the Northwest. He has been active in the First African Methodist Episcopal Church, the NAACP, and the State Commission on African-American Affairs. Reverend Casson has experience with equal opportunity programs and enforcing anti-discrimination laws at the federal and state level. His term expires June 2004.



COMMISSIONER – DALLAS BARNES OF PASCO

Dallas Barnes is a long time advocate for equal opportunity and equal justice for under represented and protected groups at all levels of education and employment. He has experience in government funded social programs and has served the public for 30 plus years in public higher education. His term expires June 2006.



COMMISSIONER – REIKO CALLNER OF OLYMPIA

Appointed in March of 2002, Commissioner Callner is long-time community activist. Professionally, Commissioner Callner is an investigative officer for the State Judicial Conduct Commission. She has also served as a prosecutor for the City of Olympia for over six years. Commissioner Callner has a background in instruction, training, and public speaking. Her term expires June 2005.



EXECUTIVE DIRECTOR – SUSAN (SUE) J. JORDAN

Sue Jordan became Executive Director of the Human Rights Commission in August 1997. She manages the day-to-day operations of the agency. Her main focus is on improving complaint processing and customer service.

2000 COMMISSION MEETINGS

Date	Location	Community Groups Represented	Equity in Education Presentations	Other Guests
1/28 -29	Seattle	U S Housing & Urban Development, Seattle Office for Civil Rights	Seattle Public Schools	
2/25 -26	Silverdale	Kitsap County Council for Human Rights; Kitsap Human Rights Network	Central Kitsap School	Walt Trimble, Dept. of Labor, Office of Federal Contract Compliance Contract Compliance
3/25 -26	Lacey	Thurston Council on Cultural Diversity and Human Rights Opportunity Commission	Office of Superintendent of Public Education	Regional Director of U S Equal Employment
4/23	Conference Call			
5/27 -28	Lakewood	Tacoma Human Rights Commission & Human Services; Fair Housing Center of South Puget Sound	Tacoma Public Schools	
6/24 -25	Spokane	Spokane Human Rights Commission; Martin Luther King Jr. Family Outreach Center	Spokane Public Schools	Eileen Thomas, President of the Spokane Chapter of the N.A.A.C.P.
7/22 -23	Bellingham	Whatcom Human Rights Task Force University of Western W A. University	Bellingham Public Schools	
8/27	Conference Call			
9/23 -24	Clark College		Clark College Programs & Services, Vancouver College Oregon Bureau of L & I	Daverne Bell, Vancouver Public Schools; Joshua Ried
10/28 -29	Pasco	Washington State Migrant Council Pasco School District, Kennewick School District	Columbia Basin College	
11/19	Conference Call			
12/17	Conference Call			

2001 COMMISSION MEETINGS

Date	Location	Community Groups Represented	Equity in Education Presentations	Other Guests
1/27 -28	Seattle	N.A.A.C.P. Urban League	Seattle Public Schools	Special Guest: Glen Mansfield, First Executive Secretary of the Human Rights Commission, Ken McDonald, Former Staff of Human Rights Commission
2/24 -25	Silverdale	Kitsap Co. Council for Human Rights; Kitsap Human Rights Network N.A.A.C.P. Bremerton Chapter	South Kitsap School District, Central Kitsap School District, Olympia College	
3/23 -24	Olympia	Thurston Council for Cultural Diversity and Human Rights	North Thurston School District	Regional Director of U.S. Equal Employment Opportunity Commission
4/28	Conference Call			
5/18 -19	Spokane	Spokane Human Rights Commission	Spokane Public Schools	Martin Casey, Legislative & Policy Coordinator
6/22 -23	Yakima		Yakima Valley Community College, Sunnyside School District, Yakima School District	
7/27 -28	Bellingham	Ferndale Diversity Coalition, Northwest Coalition for Human Dignity, Whatcom Human Rights Task Force	Western Washington University	
8/25	Conference Call			
9/28 -29	Tacoma	Fair Housing Center of Puget Sound, N.A.A.C.P. - Tacoma Branch	Tacoma Public Schools, L & I Apprenticeship Program	Tacoma Human Rights Commission
10/28 -29	Longview, Vancouver	Diversity Task Force	Clark College	
11/19	Conference Call			
12/17	Conference Call			



WASHINGTON STATE HUMAN RIGHTS COMMISSION

HEADQUARTERS

711 South Capitol Way, Suite 402
PO Box 42490
Olympia, WA 98504-2490
Toll Free (Statewide) 1 (800) 233-3247
TTY (Statewide) 1 (800) 300-7525
www.wa.gov/hrc

SEATTLE

1511 Third Avenue
Melbourne Tower, Suite 921
Seattle, Washington 98101-1622
(206) 464-6500 Voice/TTY

SPOKANE

905 W. Riverside Avenue
Great Western Building, Suite 416
Spokane, Washington 99201-1099
(509) 456-4473 Voice/TTY

YAKIMA

32 N. Third Street, Suite 422
Yakima, Washington 98901-2730
(509) 575-2772

*To obtain this publication in an alternative format, please
contact the headquarters office in Olympia.*